

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

HARLAN GOLDBERG, H. GOLD LLC, and JARRET
WILLIS,

Plaintiffs,

-against-

BESPOKE REAL ESTATE LLC, BESPOKE LUXURY
MARKETING LLC, BESPOKE REAL ESTATE
FLORIDA LLC, ZACHARY VISHINSKY and CODY
VICHINSKY,

Defendants.

Civil Action No.:
23-cv-05614 (JPO)

**NOTICE OF
MOTION TO DISMISS**

Oral Argument Requested

COUNSELORS:

PLEASE TAKE NOTICE that, upon the affidavits of Defendants Zachary Vichinsky and Cody Vichinsky, the affirmation of Leonardo D'Alessandro, Esq., the exhibits submitted and the accompanying memorandum of law, the undersigned will move this Court for an order granting dismissal of the Amended Complaint, pursuant to Federal Rules of Civil Procedure Rule 12(b)(6), before the Hon. J. Paul Oetken, United States District Judge, at Thurgood Marshall United States Courthouse, 40 Foley Square, Room 706, New York, NY 10007, on September 8, 2023, or as soon thereafter as counsel can be heard; and

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1 for the United States District Courts for the Southern and Eastern District of New York, any opposing affidavits and answering memoranda shall be served within 14 days after service of the moving papers; and

PLEASE TAKE FURTHER NOTICE of the potential applicability of Rule 3.D.ii of the Individual Rules and Practices in Civil Cases of the Hon. J. Paul Oetken.

Dated: Purchase, New York
August 7, 2023

**MILBER MAKRIS PLOUSADIS
& SEIDEN, LLP**

By: Leonardo D'Alessandro

Michael A. D'Auria, Esq.

Leonardo D'Alessandro, Esq.

Attorneys for Defendants

Bespoke Real Estate LLC, Bespoke Luxury Marketing LLC, Bespoke Real Estate Florida

LLC, Zachary Vichinsky and Cody Vichinsky

100 Manhattanville Road, Suite 4E20

Purchase, New York 10577

(914) 681-8700

TO: {via PACER}

ADAM LEITMAN BAILEY, P.C.

Attorneys for Plaintiffs

One Battery Park Plaza, 18th Floor

New York, New York 10004

(212) 825-0365